

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

CINCINNATI BELL TELEPHONE)	
COMPANY'S PETITION FOR)	
CONFIDENTIAL TREATMENT OF)	
DATA SUBMITTED IN SUPPORT)	CASE NO. 96-517
OF A SPECIAL PROMOTION)	
INVOLVING CERTAIN CUSTOM)	
CALLING, CUSTOM CALLING)	
PLUS, AND OTHER SERVICES)	

O R D E R

This matter arising upon petition of Cincinnati Bell Telephone Company ("CBT"), filed October 29, 1996, pursuant to 807 KAR 5:001, Section 7, for confidential protection of the cost support information developed in connection with a special promotion proposed on October 21, 1996 on the grounds that disclosure of the information is likely to cause CBT competitive injury, and it appearing to this Commission as follows:

CBT plans to offer a special promotion called Holiday Campaign. In support of the proposed promotion, CBT has filed cost information which it seeks to protect as confidential on the grounds that its disclosure is likely to cause CBT competitive injury.

The information sought to be protected is not known outside of CBT and is known only to those CBT employees who have a legitimate business need to know and act upon the information. CBT seeks to preserve the confidentiality of the information through all appropriate means, including the maintenance of proper security at its offices.

KRS 61.872(1) requires information filed with the Commission to be available for public inspection unless specifically exempted by statute. Exemptions from this requirement are provided in KRS 61.878(1). That subsection of the statute exempts several categories of information. One category exempted in paragraph (c)1 of that subsection is commercial information confidentially disclosed to the Commission which if made public would permit an unfair commercial advantage to competitors of the party from whom the information was obtained. To qualify for the exemption, the party claiming confidentiality must demonstrate actual competition and a likelihood of substantial competitive injury if the information is disclosed. Competitive injury occurs when disclosure of the information gives competitors an unfair business advantage.

The technology to offer the services involved in this special promotion is currently available to CBT competitors, many of whom are parties to Administrative Case No. 355 and that which is sought to be protected would provide these competitors with valuable marketing demand and cost information which they could use to claim market entry strategies to the detriment of CBT. Therefore, disclosure of the information is likely to cause CBT competitive injury and the information should be protected as confidential.

This Commission being otherwise sufficiently advised,

IT IS ORDERED that the cost data filed in support of this special promotion proposed on October 21, 1996, which CBT has petitioned to be withheld from public disclosure, shall be held and retained by this Commission and shall not be open for public inspection.

Done at Frankfort, Kentucky, this 16th day of December, 1996.

PUBLIC SERVICE COMMISSION

Linda K. Breathitt
Chairman

E. J. Olsen
Vice Chairman

B. J. Helton
Commissioner

ATTEST:

Don Mills
Executive Director